

MAY-07-2009 THU 11:19 AM STURM & FIX LLP

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OFFICE OF PETITIONS

PTO/SB/97 (04-08)

Approved for use through 05/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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571-273-8300

U.S. Patent No. 6,408,979
Serial No. 09/525,365

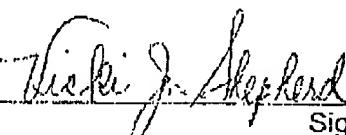
Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 05/07/2009

Date

remainder of
previous fax



Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

515-288-9589

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b)), PTO/SB/65, consisting of five pages;
2. PETITION TO EXPEDITE consisting of one sheet;
3. DECLARATION OF VICKI J. SHEPHERD WITH EXHIBITS A-T, consisting of 26 pages;
4. DECLARATION OF CAROLYN J. CAMPBELL WITH EXHIBITS A-F, consisting of 11 pages;
5. DECLARATION OF MICHEL KOURI WITH EXHIBIT I, consisting of four sheets
- all for U.S. Patent No. 6,408,979 issued June 25, 2002 (Serial No. 09/525,365, filed March 15, 2000).

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the format of this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

We also take this opportunity to remind you to promptly let us know if your status changes from "small" to "large" entity so that we may prepare the necessary forms for filing in the U.S. Patent and Trademark Office, as required. If you have licensed this Patent to a company having more than 500 employees - including all affiliates, we must have this information before payment of your current maintenance fee.

If you have any questions, please do not hesitate to contact me.

Sincerely,

- YES, please pay the current maintenance fee. My check for \$990 enclosed.
- YES, please pay this maintenance fee. However, small entity status no longer applies. My check for \$1,480 is enclosed.
- NO, please **DO NOT** pay this maintenance fee. I understand that by not paying the current fee, the patent will lapse and all rights will be lost.

Date: _____

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EXHIBIT B

OFFICE OF PETITIONS

RE: United States Patent No.
Our File:

On [REDACTED] we wrote to you regarding a maintenance fee that is required to be paid to the Patent Office with respect to the above patent.

To date we have not received your instructions and check to pay same.

Unless we have your check in our office on or before [REDACTED] in the amount of \$, we will withdraw from further representation in this matter.

Please be advised that failure to pay this maintenance fee to the Patent Office will result in abandonment of your patent.

Sincerely,

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FAX NO. 515 288 5311

P. 04

2009 MAY 22 PM 6:59 LAW OFFICES
STURM & FIX LLP
STE 1213
206 SIXTH AVENUE
DES MOINES IA 50309-4076
TELEFAX (515) 288-4860
TELEPHONE (515) 288-9589

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EXHIBIT C JUN 08 2009

January 25, 2006
Invoice: 25899

OFFICE OF PETITIONS

MAHLE TENNEX NORTH AMERICA
505 E MADISON
WINTERSSET IA 50273

In Reference To: **UNITED STATES Patent Application S.N. 09/525,365 filed March 15, 2000 "Noise Abatement Filter" - Larry D. Forbes - assigned to Parr Manufacturing - now U.S. Patent No. 6,408,979 issued June 25, 2002**
2-5127-013

Legal Services:

	<u>Amount</u>
1/31/2008 Review of docket and all written correspondence regarding deadline for current maintenance fee due; preparation and filing of all required documents and fees with the Patent Office; receipt, review, docketing and written correspondence regarding acknowledgement from Patent Office for payment of fee; review and docketing of next required maintenance fee. All follow up communications regarding necessity of paying maintenance fee before due date of December 5, 2005.	350.00
For professional services rendered	<u>\$500.00</u>

Additional Charges:

1/31/2008 Patent Office fee - payment of first maintenance fee	450.00
Patent Office surcharge for late filing of first maintenance fee	65.00
Total costs	<u>\$515.00</u>
Total amount of this bill	<u>\$1,015.00</u>
Balance due	<u>\$1,015.00</u>

WHEN MAKING PAYMENT, PLEASE REFER TO CLIENT/ACCOUNT REFERENCE NUMBER 5127-013

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LAW OFFICES
STURM & FIX LLP

STE 1213
 200 SIXTH AVENUE
 DES MOINES IA 50309-4076

TELEFAX (515) 280-4860
 TELEPHONE (515) 288-9580

EXHIBIT D

April 28, 2006
 Invoice. 26502

MAHLE TENNEK NORTH AMERICA
 505 E MADISON
 WINTERSSET IA 50273

In Reference To: **UNITED STATES Patent Application S.N. 09/525,365 filed March 15, 2000 "Noise Abatement Filter" - Larry D. Forbes - assigned to Parr Manufacturing - now U.S. Patent No. 6,408,979 Issued June 26, 2002**
2-5127-013

Additional Charges:

	<u>Amount</u>
4/28/2006 Patent Office fees (difference in small entity as billed 1/25/06 to large entity)	515.00
\$450.00 additional for maintenance fee	
\$65.00 additional for late payment surcharge	
 Total costs	 \$515.00
 Previous balance	 \$1,015.00
4/13/2006 Payment - thank you - invoice 25889 (1/26/2006). Check No. 63527	(\$1,015.00)
4/27/2006 Payment - thank you Check No. 95352	(\$1,015.00)
 Total payments and adjustments	 (\$2,030.00)
 Credit balance	 (\$500.00)

CREDIT BALANCE - DO NOT PAY

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Urgent Global Docket

Through 7372006

DATE	ATTY/ATTY2	REFERENCE	TITLE/ MARK	CENTER	RECEIVED	ACTION	PRINTED: 5/25/2006	Page	EXHIBIT
June 16/06								1	
19 Sat RLFmfa/CJC	3-1169-243	Storage Container	Sportsstuff, Inc.	(US) 5/16/051	STATUS CHECK	0		None	
24 Sat MOSRfFaJJS	2-0153-009	Probe for High Frequency Treatment of the Skin	CRONIN Intellectual Property	(US) 5/4/07-702	1ST MAINT FEE DUE	6	1 Ext 6 Month		
25 Sun MOSRfFaJJS	2-5127-013	Noise Absorber Filter	MAHLE-Part Filter Systems, Inc.	(US) 5/4/08-979	1ST MAINT FEE DUE	1	None		
25 Sun RLFmfa/CJC	3-1923-001	STREAK AWAY	DENKING EQUIPMENT INC.	(US) 5/8/02-640	RENEWAL	0	1 Ext 6 Month		
27 Tue MOSRfFaJJC	5-1692-001	Blasting Connector System and Method of Use	LARSON, Larry J.	(US) 5/3/05-524	3RD MAINT FEE DUE	0	1 Ext 6 Month		
July 20/06								1	
03 Wed RLFmfa/CJC	5-1544-001	Memory Enhancing Game	STOUGHTON, George E. Jr.	(US) 5/8/05-370	2ND MAINT FEE DUE	0	1 Ext 6 Month		
03 Thu MOSRfFaJJS	2-5127-032	Fuel Filter and Pressure Regulator System	MAHLE-Part Filter Systems, Inc.	(US) 5/18/0518	ANNUITY DUE	1	None		
06 Thu WPFmfa/CJC	5-0105-003	Improved Angularly Adjustable Traction Apparatus	MCSS, Dr. John	(US) 6/7/05-827	BROADENED REISSUE DL	0	None		
11 Tue MOSRfFaJJS	2-5135-002	QUICK CHANGE PHOTO FRAME and Design	Quick Change Photo Frame	(US) 2/3/05-119	AFFIDAVIT OF USE	0	1 Ext 6 Month		
11 Tue MOSRfFaJJS	2-5180-002	MISCELLANEOUS DESIGN	NATIONAL PORK BOARD	(US) 2/3/05-050	AFFIDAVIT OF USE	0	1 Ext 6 Month		
17 Mon MOSRfFaJJS	2-5127-006	Plastic Fuel Filter with Conductive Coating for	MAHLE-Part Filter Systems, Inc.	(US) 5/3/02-359	3RD MAINT FEE DUE	0	1 Ext 6 Month		
20 Thu RLFmfa/CJC	3-0282-002	1 CCC and Design	CREATE CARRIER CORP	(US) 7/8/07-4,949	STATUS CHECK	0	None		
21 Fri RLFmfa/CJC	3-1169-271	BIOTECH	Sportsstuff, Inc.	(US) 7/8/04-13,835	STATUS CHECK	0	None		
23 Sun RLFmfa/CJC	3-1169-301	AQUATIC FLOAT (Lobes)	Sportsstuff, Inc.	(US) 2/25/02-441	FOREIGN FILING DUE	0	None		
23 Sun RLFmfa/CJC	3-1169-306	Inflatable Float (Trek-N-Tube 3)	Sportsstuff, Inc.	(US) 2/25/02-439	FOREIGN FILING DUE	0	None		
23 Sun RLFmfa/CJC	3-5262-004	E-Z CONSUMPTION METER	Easy Automation, Inc.	(US) 1/3/01-207	RENEWAL	1	None		
27 Thu RLFmfa/CJC	3-1169-244	Inflatable Snowman Globe	Sportsstuff, Inc.	(US) 2/22/02-252	STATUS CHECK	0	None		
28 Fri MOSRfFaJJS	1-5056-034	Custom Orthotic Foot Support Assembly	Foot Levelers, Inc.	(US) 6/5/01-626	1ST MAINT FEE DUE	0	1 Ext 6 Month		
28 Fri RLFmfa/CJC	3-1169-252	Inflatable Canopy Lounge (Single Longitudinal)	Sportsstuff, Inc.	(US) 2/22/07-807	ISSUE FEE	0	None		
28 Fri RLFmfa/CJC	3-1169-253	Inflatable Canopy Lounge (Single Longitudinal)	Sportsstuff, Inc.	(US) 2/22/07-806	ISSUE FEE	0	None		
28 Fri RLFmfa/CJC	3-1169-254	Inflatable Canopy Lounge (Single Longitudinal)	Sportsstuff, Inc.	(US) 2/22/07-826	ISSUE FEE	0	None		
28 Fri RLFmfa/CJC	3-1169-255	Inflatable Canopy Lounge (Single Transverse)	Sportsstuff, Inc.	(US) 2/22/07-825	ISSUE FEE	0	None		
28 Fri RLFmfa/CJC	3-1169-256	Inflatable Canopy Lounge (Single Transverse)	Sportsstuff, Inc.	(US) 2/22/07-824	ISSUE FEE	0	None		
28 Fri RLFmfa/CJC	3-1169-257	Inflatable Canopy Lounge (Single Transverse)	Sportsstuff, Inc.	(US) 2/22/07-823	ISSUE FEE	0	None		

Urgent Global Docket

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P. 07

Through	ATTN/PAFF#	REFERENCE#	TITLE MARK	CLIENT	RESEARCH	Pinned: 7/12/2009	Page	EXT	CURRENT	EXT	Available
June 2006											
10 Sat RLF/lnfa/CJC	3-1189-243	Storage Container	Sportstuff, Inc.	(US) 11310,301	STATUS CHECK	0					
25 Sat MOS/MOS/MS	2-5127-353	Noise Reduction Filter	SHAME-Part Filter Systems, Inc	(US) 6,403,576	1ST MAINT FEE DUE	1					
July 2006											
09 Thu WLF/lnfa/CJC	5-0105-303	Improved Angular Adjustable Traction Apparatus	MOSS, Dr John	(US) 5,755,827	BROADENED REISSUE D.	0					
23 Sun RLF/lnfa/CJC	3-1189-301	ACUATIC FLOAT (floats)	Sportstuff, Inc.	(US) 25,252,441	FOREIGN FILING DUE	0					
28 Sun RLF/lnfa/CJC	3-1189-355	Inflatable Float (Trek-N-Tube 3)	Sportstuff, Inc.	(US) 25,252,439	FOREIGN FILING DUE	0					
23 Sun RLF/lnfa/CJC	3-5262-074	E-Z CONSUMPTION METER	Easy Automation, Inc.	(US) 1,951,207	RENEWAL	1					
27 Thu RLF/lnfa/CJC	3-1189-244	Inflatable Snowman Globe	Sportstuff, Inc.	(US) 29,222,252	STATUS CHECK	0					
28 Fri RLF/lnfa/CJC	3-1189-252	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29,227,807	ISSUE FEE	0					
28 Fri RLF/lnfa/CJC	3-1189-253	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29,227,806	ISSUE FEE	0					
28 Fri RLF/lnfa/CJC	3-1189-254	Inflatable Canopy Lounge (Single Longitudinal)	Sportstuff, Inc.	(US) 29,227,826	ISSUE FEE	0					
28 Fri RLF/lnfa/CJC	3-1189-255	Inflatable Canopy Lounge (Single Transverse)	Sportstuff, Inc.	(US) 29,227,825	ISSUE FEE	0					
28 Fri RLF/lnfa/CJC	3-1189-256	Inflatable Canopy Lounge (Single Transverse)	Sportstuff, Inc.	(US) 29,227,824	ISSUE FEE	0					
28 Fri RLF/lnfa/CJC	3-1189-257	Inflatable Canopy Lounge (Single Transverse)	Sportstuff, Inc.	(US) 29,227,823	ISSUE FEE	0					
28 Fri RLF/lnfa/CJC	3-1189-258	Inflatable Canopy Lounge (Double Longitudinal)	Sportstuff, Inc.	(US) 29,227,821	ISSUE FEE	0					
30 Sun WLF/lnfa/CJC	5-1193-006	Multi-Layer Knee Pad Construction	ALDRICH, Frederick	(US) 6,425,135	1ST MAINT FEE DUE	1					
August 2006											
01 Tue RLF/lnfa/CJC	3-1189-295	Inflatable Towable Kite (D-Shape Double Skin)	Sportstuff, Inc.	(US) 29,237,459	ISSUE FEE	0					
01 Tue RLF/lnfa/CJC	3-1189-298	Inflatable Aquatic Lounge	Sportstuff, Inc.	(US) 29,243,821	ISSUE FEE	0					
01 Tue RLF/lnfa/CJC	3-1189-299	Inflatable Towable Water Kite	Sportstuff, Inc.	(US) 29,244,912	ISSUE FEE	0					
02 Wed RLF/lnfa/CJC	3-1189-268	TUBE KITTING	Sportstuff, Inc.	(US) 78,576,356	FINAL REJECTION	0					
02 Wed RLF/lnfa/CJC	3-1189-268	TUBE KITTING	Sportstuff, Inc.	(US) 78,576,355	NOTICE OF APPEAL	0					
03 Thu RLF/lnfa/CJC	3-1189-298	TOW ROPE CADDY (small holes)	Sportstuff, Inc.	(US) 29,210,191	ISSUE FEE	0					
05 Sat MOS/MOS/MS	1-5056-004	DESIGN (FOOT LEVELERS)	Foot Levelers, Inc.	(US) 1,403,897	RENEWAL	0					
05 Sat MOS/MOS/MS	1-5056-011	LADY LEVELERS	Foot Levelers, Inc.	(US) 1,403,803	RENEWAL	0					

EXHIBIT E

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MAY 07 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: **LARRY D. FORBES**

Serial No.: 09/525,365

JUN 08 2009

Filed: March 15, 2000

OFFICE OF PETITIONS

Entitled: **NOISE ABATEMENT FILTER**

PATENT No.: 6,408,979

Issued: June 25, 2002

ASSIGNEE: MAHLE PARR FILTER SYSTEMS INC.

DECLARATION

I, MICHEL KHOURI, declare:

1. My name is Michel Khouri, and I reside in the city of Birmingham, State of Michigan.
2. I am Director of Product Development of Mahle, Industries Inc., AMAHLE®, owner of U.S. Patent No. 6,408,979.
3. MAHLE has for several years exclusively manufactured and sold a noise abatement filter for fuel tanks covered by U.S. Patent No. 6,408,979 to General Motors Corporation (hereinafter AGM®) which is or has been original equipment in GM automobile models GM C Acadia, Buick Enclave, Saturn Outlook, and Chevy Traverse. The part is, and has been supplied to GM through the tier-1 fuel systems and tank supplier, INERGY Automotive Systems (hereinafter "ENERGY".)
4. On or about April 28, 2009, I was contacted by Mr. Bob Walters, Sales Account Manager of MAHLE, that he had received an e-mail correspondence from Thomas Wright, Senior Buyer of INERGY informing him that GM had noticed that the U.S. Patent No. 6,408,979 was expired because the first maintenance fee had not been paid.
5. Mr. Wright of INERGY also told Mr. Walters from MAHLE in the e-mail correspondence of Paragraph 4 above, that because of GM's belief that the U.S. Patent No. 6,408,979 had expired, GM intended to source the noise abatement filter product to a supplier other than MAHLE. He further indicated that GM had identified a supplier that was able to produce this part at 28% less than MAHLE's current price and that GM had instructed INERGY to proceed with the transfer of the production tooling to the new supplier.

6. I was not aware that the maintenance fee for U.S. Patent No. 6,408,979 had not been paid until Mr. Walters of MAHLE forwarded to me, Mr. Wright's e-mail of INERGY's e-mail correspondence referred to Paragraphs 4 and 5 above.
7. Immediately after my receipt of the e-mail correspondence identified in Paragraph 6, I discussed this matter with Mr. John Feather, Director of Operations of MAHLE, Mr. Bob Walters, Sales Account Manager of MAHLE, and Mr. Tim Catchpole, Program Manager of MAHLE.
8. On April 29, 2009 I called Michael Sturm, a Registered Patent Attorney with Sturm and Fix LLP of Des Moines Iowa to discuss this matter and it was confirmed by Mr. Sturm and his Legal Assistant, Vicki Shepherd, that the first maintenance fee for U.S. Patent No. 6,408,979 had not been paid.
9. On April 29 and 30, 2009 I looked for documents in MAHLE=s files and found Exhibit A, a letter sent to Sturm & Fix LLP (then Henderson & Sturm LLP) wherein MAHLE had given instructions dated December 12, 2005 to pay the maintenance fee.
10. On April 30, 2009 I sent an e-mail to Michael Sturm with this message:

^In reference to the said patent, our records indicate that we have made payment to cover maintenance fees and associated late charges. Payment was made on 4/21/06 by check #95352, with a check encashment date of 5/3/06. (See attached file: Sturm 21900485722.tif)

Yet, it seems that the patent has expired. How do we know for sure that it has or has not? Did the patent office not process the maintenance fee?@
11. On May 1, 2009 Michael Sturm of Sturm & Fix LLP called me to confirm that the maintenance fee had inadvertently not been paid despite MAHLE=s instructions to pay it, Mr. Sturm promising to prepare and file a Petition to Revive.
12. On May 6, 2009 Exhibit I, a letter from Thomas R. Wright of INERGY AUTOMOTIVE SYSTEMS to Bob Walters of MAHLE, was brought to my attention, this letter of Exhibit

I explaining the importance of U.S. Patent No. 6,408,979 to MAHLE and why MAHLE urgently needs to get this patent revived.

I further declare that all of the statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code


Michel Khouri

Dated: May 6, 2009

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OFFICE OF PETITIONS

EXHIBIT I

INERGY AUTOMOTIVE SYSTEMS
 27100 Telegraph Road, Troy, MI 48064
 T: (248) 243-5200
 F: (248) 226-1481
inergyautomotive@msn.com



May 6, 2009

MAHLE
 23030 Haggerty Rd.
 Farmington Hills, MI 48335

ATTN: Mr. Bob Walters
 Account Manager, Sales

Dear Mr. Walters,

I am writing in response to your letter dated May 5, 2009 regarding the Lambda Baffle re-source. This correspondence is to serve as a summary of events so far and INERGY's expectations moving forward.

On April 28, 2009, INERGY notified MAHLE of GM's intent to re-source the Lambda Baffle / PN 052110AB (please note that INERGY considers this date to be MAHLE's official notification of business transfer). At this time, INERGY also offered MAHLE a right of first refusal on this business or requested they proceed with providing the costs associated with an eight week bank. The requested due date for MAHLE's response was May 1, 2009.

On April 30, 2009, MAHLE responded by requesting OEM production forecast quantities and the exact volumes associated with an eight week bank build. Production releases from both Adrian and Anderson, which contained the requested information, were provided to MAHLE the same day. MAHLE again responded that INERGY needed to confirm the eight week bank quantities and additionally provide to them each plant's on hand Baffle quantities.

On May 4, 2009, each INERGY plant provided the requested eight week bank quantities, as well as the current on hand stock for the Baffle. At this time, INERGY again requested a response from MAHLE on price matching and / or their required bank costs. A request to begin preparations for a review of MAHLE's tools was also made.

On May 5, 2009, MAHLE officially responded that they have patent # 6,408,979 on the Lambda Baffle and that a supply agreement is in force between MAHLE and INERGY.

Today, INERGY confirmed that patent # 6,408,979 expired on June 25, 2006 due to failure to pay maintenance fees and hence, this patent cannot be used to further delay the transfer of the Baffle business. Please see the following link for verification: <http://www.uspto.gov/ox/2006/week34/patexpri.htm>

Therefore, INERGY is again requesting a response from MAHLE on price matching and / or their required bank costs by 12:00PM Thursday, May 7, 2009. A meeting will be scheduled with INERGY, MAHLE and GM on Friday, May 8, 2009 to discuss next steps.

Thanks for your prompt response.

Sincerely,

Thomas R. Wright
 Sr. Program Buyer

MAY-07-2009 THU 11:22 AM STURM & FIX LLP

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P. 12

TRANSACTION REPORT

P.01

MAY-07-2009 THU 11:01 AM

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DE
MAY-07	10:52 AM	15712738300	9' 33"	38	SEND	MEM. FULL		

TOTAL : 9M 33S PAGES: 38

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to a collection of information unless it contains a valid OMB control number.

571-271-8700

U.S. Patent No. 6,408,979

Serial No. 09/525,365

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

06/07/2009

175

Date

Vicki J. Shepherd Signature

Signature

Vicki J. Eichenbeld

Typed or printed name of person signing Certificate

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FAX NO. 515 288 5311

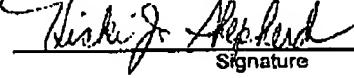
P. 02

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2009 MAY 14 PM 3:10 MAY 07 2009

PTO/SB/65 (03-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))		Docket Number (Optional) 2-5127-013
<p>Mail to: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450 Fax: (571) 273-8300</p> <p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>Patent Number: <u>6,408,979</u> Application Number: <u>09/525,365</u> Issue Date: <u>06/26/2002</u> Filing Date: <u>03/15/2000</u></p> <p>CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).</p> <p>Also complete the following information, if applicable:</p> <p>The above identified patent:</p> <p><input type="checkbox"/> is a reissue of original Patent No. _____ original issue date _____ original application number _____ original filing date _____</p> <p><input type="checkbox"/> resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ filed on _____</p> <p>CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a)) I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is (1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR (2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.</p> <p><u>05/07/2009</u>  _____ Signature</p> <p>Vicki J. Shepherd Typed or printed name of person signing Certificate</p> <p>5/21/2009 DALLEN 08000022 081650 6408979 1 FC;1599 1110.00 DA</p>		

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO in processing) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including drafting, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/67 (04-09)

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571-273-8300

U.S. Patent No. 6,408,979
Serial No. 09/525,365

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

On 05/07/2009

Date



Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

515-288-9589

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b)), PTO/SB/65, consisting of five pages;
2. PETITION TO EXPROTIE consisting of one sheet;
3. DECLARATION OF VICKI J. SHEPHERD with Exhibits A-T, consisting of 26 pages;
4. DECLARATION OF CAROLYN J. CAMPBELL WITH Exhibits A-F, consisting of 11 pages;
5. DECLARATION OF MICHELE KHOURI WITH EXHIBIT I, consisting of four sheets (all for U.S. Patent No. 6,408,979 issued June 25, 2002 (Serial No. 09/525,365, filed March 15, 2000).

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is provided by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/05 (03-09)

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1. SMALL ENTITY

 Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

 Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/> \$ 980.00	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ _____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 130.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.SURCHARGE FEE BEING SUBMITTED \$ 130.00

5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ _____

Please charge Deposit Account No. 08-1650 the sum of \$ 1,110.00.

Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 08-1650

[Page 2 of 4]

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7. OVERPAYMENT

As to any overpayment made, please

 Credit to Deposit Account No. _____

OR

 Send refund check

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identify theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.



Signature(s) of Petitioner(s)

05/07/2009

Date

Michael O. Sturm

26078

Typed or printed name(s)

Registration Number, if applicable

206 8th Ave - Suite 1213

515-288-9589

Address

Telephone Number

Des Moines, IA 50309-4076

Address

ENCLOSURES.

- Maintenance Fee Payment
- Statement why maintenance fee was not paid timely
- Surcharge under 37 CFR 1.20(l)(1) (fee for filing the maintenance fee petition)
- Other: Petition to Expedite; Declarations with Exhibits

MAY-07-2009 THU 10:54 AM STURM & FIX LLP

FAX NO. 515 288 5311

P. 05

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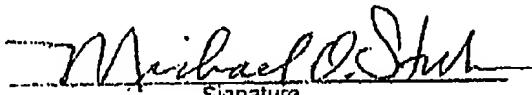
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37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."


Signature

Michael O. Sturm

Type or printed name

06/07/2009

Date

26078

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

See attached sheet for Statement.

(Please attach additional sheets if additional space is needed)

[Page 4 of 4]

STATEMENT (Page 4)

The attached Declarations of VICKI J. SHEPHERD, CAROLYN J. CAMPBELL, and MICHAEL KHOURI, along with the accompanying EXHIBITS for each Declaration, show that care was taken to ensure the timely payment of the first maintenance fee for U.S. Patent No. 6,408,979 and that non payment of the maintenance fee was unavoidable. Mahle did indeed make payment for the first maintenance fee, along with the government surcharge for filing within the grace period. Sturm & Fix LLP did have the matter on their docket, but through a series of mistakes did not timely pay the maintenance fee on behalf of Mahle. The patent became marked as ABANDONED in the Sturm & Fix LLP docketing system because of a series of unusual circumstances, especially rendering an invoice before payment by Mahle, and Mahle's payment of that invoice which zeroed out the accounts receivable report. Normally a credit would be showing in Sturm & Fix LLP's books and alert Sturm & Fix LLP that the maintenance fee payment had been made by the client. This credit showing would further alert the Sturm & Fix LLP staff that the required maintenance fee had not been paid to the Patent Office. Under the just mentioned scenario Sturm & Fix LLP's normal procedure would be to pay the maintenance fee, remove the client's payment from the trust account and issue an invoice to the client showing payment of the maintenance fee to the Patent Office. But, as explained in the attached Declarations, in this case the normal scenario did not happen, so Sturm & Fix LLP was not alerted in the normal ways that the maintenance fee had been authorized, but not paid to the United States Patent and Trademark Office.

MAY-07-2009 THU 10:54 AM STURM & FIX LLP

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P. 07

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MAY 07 2009

Atty. Docket 2-5127-013

Customer No. 00803

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentees: Larry D. FORBES, et al.

Assignee: MAHLE-Parr Filter Systems, Inc.

Patent No. 6,408,979

Serial No. 09/525,365

Issued: June 25, 2002

Filed: March 15, 2000

For: NOISE ABATEMENT FILTER

PETITION TO EXPEDITE

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is respectfully requested that the attached PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b)) be processed on an expedited basis.

The fee of \$400 for this Petition to Expedite is authorized to be charged to our Deposit Account No. 08-1650 maintained in the name of Sturm & Fix LLP. Any additional filing fees regarding this submission are also authorized to be charged to this account.

Respectfully submitted,
MAHLE-PARR FILTER SYSTEMS, INC.

05/07/2009
Date

By Michael O. Sturm
Michael O. Sturm
Reg. No. 26,078

STURM & FIX LLP
206 Sixth Avenue - Suite 1213
Des Moines, IA 50309-4076
Phone: 515-288-9589
Fax: 515-288-4860
e-mail: sturm@bstllp.com

JUN-25-10 FRI 02:32 PM STURM & FIX LLP

FAX NO. 515 288 4860

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#11

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U.S. PATENT NO. 6,408,979
Serial No. 09/525,365

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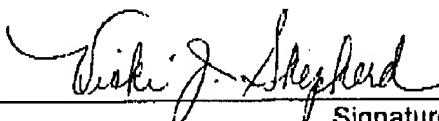
JUL 02 2010

OFFICE OF PETITIONS

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on June 25, 2010
Date



Signature

Vicki J. Shepherd

Typed or printed name of person signing Certificate

515-288-9589

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN EXPIRED PATENT (37 CFR 1.378b)), with regard to the SECOND MAINTENANCE FEE;
2. NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE dated May 4, 2010;
3. DECLARATION OF VICKI J. SHEPHERD dated June 25, 2010;
4. COPY OF FIRST PETITION to accept unavoidably DELAYED PAYMENT OF MAINTENANCE FEE IN EXPIRED PATENT (37 CFR 1.378b)), with regard to the FIRST MAINTENANCE FEE; and
5. COPIES OF ALL DECLARATIONS AND ATTACHMENTS PREVIOUSLY FILED with regard to #4.

Above, all for U.S. Patent No. 6,408,979, Serial No. 09/525,365.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. This will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SHEET 1